

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

**Court Minutes**

**November 8, 2010**

**MISC. ORDER 2010-003**

BY THE COURT:

Associate Justice George W. Nicholson is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the Acting Presiding Justice's absence from the court beginning Tuesday, November 9, 2010, through Friday, November 12, 2010. (See Cal. Const., art. VI, § 3.) The senior member of a panel of the court is designated the Acting Presiding Justice of that panel during the absence of the Acting Presiding Justice.

SCOTLAND, Acting P.J.\*

**C060398      THE PEOPLE v.      (Not For Publication)  
JOSE GUADALUPE BARRERA-RODRIGUEZ**

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect that the sentencing hearing took place on October 24, 2008, and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur:    Scotland, Acting P.J.\*  
Butz, J.

**C060503      THE PEOPLE v.      (Not For Publication)  
DEANDRE DELONEY et al.**

The jury's finding that Jones personally inflicted great bodily injury to Andrelia in the commission of counts 1 and 2 is reversed, and the three-year enhancement appended to Jones's sentence on count 1 is stricken. ...

BLEASE, Acting P.J.

We Concur:    Nicholson, J.  
Robie, J.

**C061641      THE PEOPLE v.      (Not For Publication)  
DEREK ALAN NIX**

The judgment is affirmed.

SIMS, J.

We Concur:    Scotland, Acting P.J.\*  
Robie, J.

**C061805      THE PEOPLE v.      (Certified For Publication)  
LARRY STEVEN SMITH**

The judgment is affirmed.

ROBIE, J.

We Concur:    Scotland, Acting P.J.\*  
Butz, J.

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**November 8, 2010, Continued**

- C064679      THE PEOPLE v.      (Not For Publication)**  
**ANTHONY THAMY APILADO**  
The judgment is affirmed.  
HULL, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.
- C064702      THE PEOPLE v.      (Not For Publication)**  
**MAURICE MCKNIGHT**  
The judgment is modified... As modified, the judgment is affirmed. ...  
HULL, J.  
We Concur: Raye, Acting P.J.  
Robie, J.
- C064847      THE PEOPLE v.      (Not For Publication)**  
**DAVID SAMUEL GRIFFIN**  
The judgment is affirmed.  
MAURO, J.  
We Concur: Blease, Acting P.J.  
Nicholson, J.
- C065029      THE PEOPLE v.      (Not For Publication)**  
**JOHNNIE DAVIS, JR.**  
The judgment is affirmed.  
MAURO, J.  
We Concur: Blease, Acting P.J.  
Nicholson, J.
- C062119      SOUNDS BY DAVE, INC. v.      (Not For Publication)**  
**FEDRIZZI et al.**  
The judgment notwithstanding the verdict in favor of defendant Victor Scott Fedrizzi is affirmed. ...  
SIMS, Acting P.J.  
We Concur: Raye, J.  
Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**November 8, 2010, Continued**

**C064639      FLORENTINO v. SUPERIOR COURT      (Not For Publication)  
                 OF SACRAMENTO COUNTY; THE  
                 PEOPLE**

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its postjudgment order of December 7, 2009, denying petitioner's request for a certificate of probable cause, and to issue a new and different order granting that request.

BLEASE, Acting P.J.

We Concur:    Hull, J.  
                 Robie, J.

**C063194      In re J.W.; SACRAMENTO COUNTY      (Not For Publication)  
                 DEPARTMENT OF HEALTH AND  
                 HUMAN SERVICES v. S.R.**

The judgment (jurisdictional and dispositional orders) is affirmed.

BLEASE, Acting P.J.

We Concur:    Raye, J.  
                 Hull, J.

**C063495      In re L.S.; YOLO COUNTY      (Not For Publication)  
                 DEPARTMENT OF EMPLOYMENT  
                 AND SOCIAL SERVICES v. T.S.**

The orders of the juvenile court are reversed only as to the order requiring mother to submit to drug and alcohol testing. In all other respects, the juvenile court's orders are affirmed.

BUTZ, J.

We Concur:    Blease, Acting P.J.  
                 Nicholson, J.

**C064579      In re B.M. et al.; SACRAMENTO COUNTY      (Not For Publication)  
                 DEPARTMENT OF HEALTH AND HUMAN  
                 SERVICES v. E.L. et al.**

The judgment (order terminating parental rights) is affirmed.

HULL, J.

We Concur:    Nicholson, Acting P.J.  
                 Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**November 9, 2010**

**C063705      THE PEOPLE v. JOHN BALLARD      (Not For Publication)**

The judgment (order denying the motion) is affirmed.

NICHOLSON, Acting P.J.

We Concur: Butz, J.

Mauro, J.

**C061004      TRUCKEE CARSON IRRIGATION      (Not For Publication)  
DISTRICT v. SIERRA PACIFIC POWER  
COMPANY et al.**

The December 23, 2008, order imposing sanctions on TMWA and SPPC is reversed. Appellants shall recover costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)

RAYE, J.

We Concur: Sims, Acting P.J.

Robie, J.

**C059873      SARALE et al., etc. v. PACIFIC GAS & ELECTRIC COMPANY  
C060515      WILBUR, as Trustee, etc. v. PACIFIC GAS & ELECTRIC COMPANY  
BY THE COURT:**

The petition for rehearing of appellants William R. Sarale et al. is denied.  
SCOTLAND, Acting P.J.\*

**November 10, 2010**

**C060127      THE PEOPLE v.      (Not For Publication)  
CARLINE BALBUENA**

The trial court is directed to delete from the determinate term abstract of judgment the fines imposed pursuant to Penal Code sections 1202.4 and 1202.45 following the instructions herein, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

RAYE, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**November 10, 2010, Continued**

- C060484      THE PEOPLE v.      (Not For Publication)**  
**SHIRVONNA CHANEL GRAYS**  
The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an accurate abstract of judgment.  
MAURO, J.  
We Concur: Blease, Acting P.J.  
Raye, J.
- C061081      THE PEOPLE v.      (Not For Publication)**  
**ELMER EDWARD UMBENHOWER**  
The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment reflecting that defendant was acquitted on count six and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation.  
NICHOLSON, J.  
We Concur: Scotland, Acting P.J.\*  
Raye, J.
- C061244      THE PEOPLE v.      (Not For Publication)**  
**WILLARD MARVIN JAMES BRADLEY**  
The judgment is affirmed.  
RAYE, J.  
We Concur: Nicholson, Acting P.J.  
Cantil-Sakauye, J.
- C061568      THE PEOPLE v.      (Not For Publication)**  
**ANDREW BRUCE THOMPSON III**  
The true finding on the gun discharge enhancement under Penal Code section 12022.53, subdivision (d) is reversed, but the judgment of conviction is otherwise affirmed. The case is remanded for resentencing consistent with this opinion.  
ROBIE, J.  
We Concur: Raye, Acting P.J.  
Cantil-Sakauye, J.
- C061725      THE PEOPLE v.      (Not For Publication)**  
**THOMAS D. LEDBETTER**  
The conviction on count II is modified to a conviction for petty theft with priors. ... As modified, the judgment is affirmed. ...  
NICHOLSON, Acting P.J.  
We Concur: Hull, J.  
Cantil-Sakauye, J.

**COURT OF APPEAL  
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**November 10, 2010, Continued**

- C062302      THE PEOPLE v.      (Not For Publication)**  
**JONATHAN L. SUMRALL**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Nicholson, Acting P.J.  
Hull, J.
- C062835      THE PEOPLE v.      (Not For Publication)**  
**ARMAND MARCELLO POWERS**  
The judgment is affirmed.  
HULL, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C062837      THE PEOPLE v.      (Not For Publication)**  
**DENNIS AARON THOMPSON**  
The judgment is modified to award defendant 131 days of conduct credit.  
As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.
- C063663      THE PEOPLE v.      (Not For Publication)**  
**JESSE JAMES KING**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Nicholson, Acting P.J.  
Hull, J.
- C063754      THE PEOPLE v.      (Not For Publication)**  
**DALSHAWN EDWARD BOSON**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Nicholson, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
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**November 10, 2010, Continued**

**C061842      DOE v. ROMAN CATHOLIC BISHOP      (Certified For Publication)**  
**OF SACRAMENTO**

The judgment is affirmed. The Diocese is awarded its costs on appeal.  
(Cal. Rules of Court, rule 8.278 (a).)

NICHOLSON, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

**C064318      In re A.C.; CALAVERAS COUNTY WORKS      (Not For Publication)**  
**AND HUMAN SERVICES AGENCY v.**  
**A.G. et al.**

The juvenile court's orders terminating parental rights are reversed. ...

BUTZ, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

**C062496      In re JAMES K.; THE PEOPLE v.      (Not For Publication)**  
**JAMES K.**

The order of the juvenile court is affirmed.

NICHOLSON, J.

We Concur: Scotland, Acting P.J.\*

Sims, J.

**C059777      THE PEOPLE v. LOUI MAHMOUD ASSAD**  
**BY THE COURT:**

Appellant's petition for rehearing is denied.

Counsel is cautioned to avoid citing unpublished authorities in the future.

ROBIE, Acting P.J.

**C060491      THE PEOPLE v.      (Not For Publication)**  
**ROBERT PAUL SNYDER**  
**THE COURT:**

It is ordered that the opinion filed herein on October 15, 2010, be  
modified...

This modification does not change the judgment.

The petition for rehearing is denied.

THE COURT:

NICHOLSON, Acting P.J.

Hull, J.

Robie, J.

Cantil-Sakaue, J.